

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING

OF

TUESDAY, JANUARY 19, 1982

AT 8:30 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Killea at 8:42 a.m. The meeting was recessed by Deputy Mayor Killea at 9:00 a.m. to meet in Closed Session in the 12th floor Council conference room on pending litigation. The meeting was reconvened by Deputy Mayor Killea at 10:00 a.m. with Mayor Wilson not present. The meeting was recessed by Deputy Mayor Killea at 10:53 a.m. to meet as the Housing Authority and to reconvene as the Council at 2:00 p.m.

After adjourning as the Housing Authority, Deputy Mayor Killea reconvened the City Council meeting at 2:20 p.m. with Mayor Wilson not present. The meeting was adjourned at 5:16 p.m. by Deputy Mayor Killea.

ATTENDANCE DURING THE MEETING:

(M) Mayor Wilson-excused by R-255683 (vacation).

- (1) Council Member Mitchell-present.
- (2) Council Member Cleator-present.
- (3) Council Member Golding-present.
- (4) Council Member Williams-present.
- (5) Council Member Struiksma-present.
- (6) Council Member Gotch-present.
- (7) Council Member Murphy-present.
- (8) Council Member Killea-present.

Clerk-Abdelnour (eb a.m.; mp p.m.)

FILE LOCATION:

MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

Mayor Wilson-not present.

Council Member Mitchell-present.

Council Member Cleator-not present.

Council Member Golding-not present.

Council Member Williams-present.

Council Member Schnaubelt-present.

Council Member Gotch-present.

Council Member Murphy-not present.

Council Member Killea-present.

ITEM-330: (R-82-1262) ADOPTED AS RESOLUTION R-255689 DENYING THE APPEAL.

APPEAL of the ATLANTIC RICHFIELD COMPANY, by C. Samuel Blick, attorney, from the decision of the PLANNING COMMISSION in DENYING an amendment to CONDITIONAL USE PERMIT CUP-10-490-1, to extend the hours of operation from 6:00 a.m. 10:00 p.m. to 24 hours at the existing convenience store with self-service gas station, on a .49 acre site, in the CN ZONE, within the boundaries of the Clairemont Mesa Community Plan. The property is located on the northwest corner of Genesee Avenue and Clairemont Mesa Boulevard, and is more particularly described as LOT 1, Clairemonet Genesee Plaza Unit No. 3, MAP- 6364.

(CUP-10-490-1. DISTRICT-6.)

(Planning Department recommended DENIAL of the amendment to the permit; was opposition. Planning Commission voted 2 to APPROVE and 4 to DENY the amendment to the permit.)

FILE LOCATION:

PERM CUP-10-490-1

COUNCIL ACTION: (Tape location: A012-A247).

Hearing began 8:42 a.m. and halted 9:00a.m.

Testimony in favor by George Ryan.

Council Member Golding entered 8:50 a.m.

Testimony in opposition by Ruth Witters, Barbara Lanker, and Mary Chipps.

MOTION BY GOTCH TO CLOSE THE HEARING AND ADOPT RESOLUTION DENYING

THE APPEAL AND THE AMENDMENT TO THE PERMIT. Second by Struiksma. Passed by the following vote: Mitchell-yea, Cleator-not present, Golding-yea, Williams-not present, Struiksma-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-not present.

ITEM-331:

19820119

Matter of REZONING the SOUTHWEST 1/4 of LOT 10, HORTON'S PURCHASE, MAP-283 EXCEPTING FAIRMONT PARK, MAP-2874, (approximately 1.28 acres), located on the north side of Hazel Street at 39th Street, in the Mid-City Community Plan area, from R-1-5 (portions Hillside Review) ZONE to M-1B ZONE.

(Case-5-81-059. DISTRICT-8.)

(Planning Department recommended APPROVAL of M-1B Zoning; No opposition. Planning Commission voted 5-0 to Approve M-1B Zoning subject to recordation of a final subdivision map or

maps within two years.)

Subitem-A: (R-82-1094) ADOPTED AS RESOLUTION R-255690

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-81-06-13 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council;

Subitem-B: (O-82-117) INTRODUCED, TO BE ADOPTED FEBRUARY 1, 1982

INTRODUCTION of an ORDINANCE for M-1B Zoning.

FILE LOCATION: ZONE 1/19/82

COUNCIL ACTION: (Tape location: A344-A404).

Hearing began 10:04 a.m. and halted 10:06 a.m.

MOTION BY CLEATOR TO CLOSE THE HEARING, ADOPT SUBITEM-A AND INTRODUCE SUBITEM-B Second by Gotch. Passed by the following vote:

Mitchell-yea, Cleator-yea, Golding-yea, Williams-yea, Struiksmayea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-not present.

ITEM-332: CONTINUED TO MARCH 16, 1982, 8:30 A.M.

19820119

Matter of REZONING LOT 186 and a portion of LOT 187, EMPIRE ADDITION TO ENCANTO HEIGHTS, MAP-1254 (2.9 acres), located on the south side of Federal Boulevard between Winnett and 60th Streets, in the Southeast San Diego Community Plan area, from C-1S to R-1-5 Zone.

(Case-5-81-088 - City Initiated. DISTRICT-3.)

(Planning Department recommended APPROVAL of R-1-5 Zoning; no opposition. Planning Commission voted 6-0 to approve R-1-5 Zoning.

Subitem-A: (R-82-1093)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-81-10-11 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council;

Subitem-B: (O-82-116)

INTRODUCTION of an ORDINANCE for R-1-5 Zoning.

FILE LOCATION: ZONE 1/19/82

COUNCIL ACTION: (Tape location: A344-B404).

Hearing began 10:06 a.m. and halted 10:53 a.m.

Testimony in opposition by Mike Sandoval.

Motion by Williams to close the hearing, adopt

MOTION BY GOLDING TO CONTINUE TO MARCH 16, 1981, 8:30 A.M. TO
ALLOW DEVELOPER TO MEET WITH COMMUNITY GROUPS REGARDING
PROPOSALS

FOR DEVELOPMENT. Second by Cleator. Passed by the following vote:

Mitchell-yea, Cleator-yea, Golding-yea, Williams-yea, Struiksma-yea,

Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-not present.

ITEM-333: (R-82-1150) CONTINUED TO FEBRUARY 1, 1982, 2:00 P.M. TIME
CERTAIN

DESIGNATING an AREA of BENEFIT in NORTH UNIVERSITY CITY and
the BOUNDARIES thereof, CONFIRMING the description of PUBLIC
FACILITIES PROJECTS, the COMMUNITY FINANCING PLAN and CAPITAL
IMPROVEMENT PROGRAM with respect to said public facilities
projects, the METHOD for APPORTIONING the COSTS of said public
facilities projects AMONG the PARCELS within the area of
benefit and the AMOUNT of the FACILITIES BENEFIT ASSESSMENTS
charged to each such parcel, the BASIS and METHODOLOGY for
ASSESSING and LEVYING DISCRETIONARY AUTOMATIC ANNUAL
INCREASES

in facilities benefit assessments, and proceedings thereto, and

ORDERING of PROPOSED PUBLIC FACILITIES PROJECT in the matter of
the NORTH UNIVERSITY CITY FACILITIES BENEFIT ASSESSMENT AREA on
Resolution of Intention R-255516.

(Located north of Rose Canyon between I-5 and I-805.

University City Community area. DISTRICT-1.)

FILE LOCATION:

STRT FB-1

COUNCIL ACTION: (Tape location: D520-G320).

Hearing began at 2:50 p.m. and halted at 4:47 p.m.

Testimony of recorded protesters by Alan Douglas, Chris Calkins, Len
McRoskey, and Larry Marshall.

Testimony in favor by Paul Peterson, Jack Lundstrom, Gregg Lawlor,
Paul Robinson, and Morgan Oliver.

Testimony by Dr. Freilich and Tom Clark, Special Counsel to FBA.

By common consent, Deputy Mayor Killea closed the hearing at 4:14
p.m.

Deputy Mayor Killea left at 4:16 p.m. and returned at 4:30 p.m.

By common consent, Chairperson Williams reopened the hearing at 4:28

p.m. to hear a request for further clarification. By common consent, Chairperson Williams closed the hearing at 4:29 p.m. Motion by Gotch to adopt the resolution as presented and to include the amendment to the Facilities Benefit Assessments as stated by Counsel to the FBA. Second by Williams. No vote.
N BY MURPHY_TO_CONTINUE TO FEBRUARY 1, 1982, 2:00 P.M. TIME CERTAIN,
TO ALLOW THE COUNCIL MEMBERS TIME TO REFLECT ON SOME OF THE QUESTIONS/PROTESTS RAISED. Second by Golding. Passed by the following vote: Mitchell-yea Cleator-yea Golding-yea Williams-yea Struiksma-yea Gotch-yea Murphy-yea Killea-yea Mayor Wilson-not present.

ITEM-334: FILED

(Continued from the Meeting of December 15, 1981 to allow the appellants and the developer to work with staff.)

Matter of APPEAL of the TECOLOTE CANYON CITIZENS ADVISORY COMMITTEE, by M. Eloise Battle, from the decision of the PLANNING COMMISSION in APPROVING TENTATIVE SUBDIVISION MAP

TM-

02-114-0 (FOX RUN) which proposes a 436-lot subdivision of LOTS 1 through 331, LOT 404 and PARCEL J, CAMBRIDGE COLONY, MAP- 9260. The subject property is located on the west side of Genesee Avenue at Marlesta Drive in the R-1-5 (Hillside Review) ZONE and within boundaries of the Clairemont Mesa Community Plan.

(TM-02-114-0. DISTRICT-6.)

(Planning Department recommended APPROVAL of the map; was opposition. Planning Commission voted 6-0 to APPROVE the map.)

Subitem-A: (R-82-)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-81-02-20 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-82-)

Adoption of a RESOLUTION granting the appeal and denying the map, or denying the appeal and granting the map, with appropriate findings to support Council action.

FILE LOCATION:

SUBD Fox Run

COUNCIL ACTION: (Tape location: G323-H080).

Hearing began at 4:47 p.m. and halted at 5:13 p.m.

Testimony by Eloise Battle and Jon Werner.

Council Member Cleator left at 4:52 p.m.

Appellant supports City Manager's recommendations and withdraws appeal.

MOTION BY GOTCH TO FILE THE APPEAL AND REQUEST CITY MANAGER

TO:

(1) UNDERTAKE THE LONG-RANGE PROGRAM LEADING TO A PLAN FOR EROSION CONTROL WITHIN THE SUBJECT FINGER CANYON AND WITHIN

THE

ENTIRE CANYON AREA, AND A PROGRAM FOR IMPLEMENTATION THAT WOULD RESTORE THIS LAND TO THE CONDITION

THAT

WOULD MAKE THIS CANYON SAFE; (2) CONDUCT A STUDY ON SILTATION IN MISSION BAY WITH REGARD TO RUN-OFF FROM THIS CANYON; AND (3) INVESTIGATE THE POSSIBILITY OF FUNDING THIS PROGRAM WITH ENVIRONMENTAL GROWTH FUNDS AND CAPITAL OUTLAY FUNDS. Second by Williams. Passed by the following vote: Mitchell-yea Cleator-not present Golding-yea Williams-yea Struiksmayea Gotch-yea

Murphy-

yea Killea-yea Mayor Wilson-not present.

ITEM-335: RETURNED TO PLANNING DEPARTMENT

19820119

(The Planning Department has requested that this matter not be heard at this time. The matter will be renoticed at a later date.)

APPEALS of LUCE, FORWARD, HAMILTON & SCRIPPS, by Gregory T. Smith and JOSEPH and ANN STEINBACH, by McDonald, Hecht, Worley & Solberg, from the decision of the PLANNING COMMISSION in APPROVING an AMENDMENT to CONDITIONAL USE PERMIT CUP-10-414-2 to locate and operate a portable concrete batch (mixing) plant at an existing natural resource facility on approximately one acre of land in the Northwest corner of the 40 acre property. The estimated lifetime of the operation is 15 years. The property is located south of Carmel Valley Road between El Camino Real and Shaw Valley Road, in the A1-10 (portion Hillside Review) ZONE, in the North City West Community Plan and is more particularly described as a portion of SECTION 30, TOWNSHIP 14 SOUTH, RANGE 2 WEST, S.B.B.M. (CUP-10-414-2. DISTRICT-1.)

(Planning Department recommended APPROVAL of the amendment

to the permit; was opposition. Planning Commission voted 6-0 to APPROVE the amendment to the permit with conditions.)

Subitem-A: (R-82-)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-79-12-02 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council;

Subitem-B: (R-82-)

Adoption of a RESOLUTION granting the appeal and denying the amendment to the permit, or denying the appeal and granting the amendment to the permit with appropriate findings to support Council action.

FILE LOCATION: PERM CUP-10-414-2

COUNCIL ACTION: (Tape location: H080-H085).

MOTION BY GOLDING TO RETURN TO THE PLANNING DEPARTMENT AT THE PLANNING DEPARTMENT'S REQUEST. Second by Mitchell. Passed by the following vote: Mitchell-yea, Cleator-not present, Golding-yea, Williams-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-not present.

ITEM-S500: WELCOMED

(This group will arrive at approximately 9:30 a.m.)

53 Students from Our Lady of the Sacred Heart School will attend the Meeting accompanied by Sister Jolene. (DISTRICT-3.)

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: A260-305).

ITEM-S501: CONTINUED TO APRIL 13, 1982, 2:00 P.M. TIME CERTAIN

19820119

(Continued from the Meeting of January 12, 1982 at Councilmember William's request.)

Matter of REZONING the SOUTH 1/2 of the NORTH 1/2 of LOT 41, HORTON'S PURCHASE in EX-MISSION LANDS, MAP-283 (approximately 2.70 acres), located at the southwest corner of Market Street and Euclid Avenue, in the Southeast San Diego Community Plan area, from ZONES C and R-2 to ZONES M-1A and M-1B.

(Case-5-81-079. DISTRICT-4.)

Subitem-A: (R-82-1020)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-81-08-26 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-82-107)

INTRODUCTION of an ORDINANCE for M-1B Zoning.

FILE LOCATION: ZONE 1/19/82

COUNCIL ACTION: (Tape location: D085-517).

Hearing began at 2:21 p.m. and halted at 2:50 p.m.

Testimony in favor by James C. Ruane and Paul Ross.

Testimony by Maurice Carter, MTDB.

Motion by Williams to close the hearing, adopt Subitem-A, and introduce the ordinance. No second.

MOTION BY WILLIAMS TO CONTINUE FOR THREE MONTHS AT HIS REQUEST.

Second by Mitchell. Passed by the following vote: Mitchell-yea, Cleator-nay, Golding-yea, Williams-yea, Struiksma-nay, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-not present.

* ITEM-CS-1: (R-82-1152) ADOPTED AS RESOLUTION R-255691

A Resolution adopted by the City Council in Closed Session on January 19, 1982:

Authorizing the City Manager to pay the total sum of \$6,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Mary Carter; authorizing the City Auditor and Comptroller to issue one check in the amount of \$6,000 to Mary Carter and her attorney, Ernest Georggan in full settlement of all claims.

FILE LOCATION:

MEET

* ITEM-CS-2 (R-82-1153) ADOPTED AS RESOLUTION R-255692

A Resolution adopted by the City Council in Closed Session on January 19, 1982:

Authorizing the City Manager to pay the total sum of \$8,000 in settlement of each and every claim against the City, its agents and employees, resulting from the property damage to Mary Ann Matthis; authorizing the City Auditor and Comptroller to issue one check in the amount of \$8,000 to Mary Matthis and her attorney, Ernest Georggan in full settlement of all claims.

FILE LOCATION:
MEET

* ITEM-CS-3: (R-82-1175) ADOPTED AS RESOLUTION R-255693

A Resolution adopted by the City Council in Closed Session on January 19, 1982:

Authorizing the City Manager to pay the total sum of \$6,262.68 in addition to \$876.04 already expended in settlement of each and every claim against the City, its agents and employees, resulting from the property damage to Teresa Cohen; authorizing the City Auditor and Comptroller to issue two checks in the total amount of \$6,262.68 - one check to the contractor, Luth and Turley Construction, for \$5,355.58 and a second check to Teresa Cohen in the amount of \$907.10 in full settlement of all claims.

FILE LOCATION:
MEET

* ITEM-CS-4: (R-82-1154) ADOPTED AS RESOLUTION R-255694

A Resolution adopted by the City Council in Closed Session on January 19, 1982:

Authorizing the City Manager to pay the total sum of \$7,705.75 in settlement of Superior Court Case No. 454-448, Barbara Boarts vs City of San Diego et al, in each and every claim against the City, its agents and employees, resulting from the personal injury to Barbara Boarts; authorizing the City Auditor and Comptroller to issue one check to Barbara Boarts and her attorney, David S. Casey.

FILE LOCATION:
MEET

ADJOURNMENT:

FILE LOCATION:
MINUTES

COUNCIL ACTION: (Tape location: H085-H098).

MOTION BY WILLIAMS TO ADJOURN IN MEMORY OF ILSE HAMMAN RUOCCO.

Second by Mitchell. Passed by the following vote: Mitchell-yea
Cleator-not present Golding-yea Williams-yea Struiksma-yea
Gotch-yea Murphy-yea Killea-yea Mayor Wilson-not present.